

It is therefore ordered, that an injunction be issued prohibiting The Mayor and City Council, their officers, agents, and servants from collecting any rates or wharfage, or other tax, charge, or duty in virtue of the first part of the second section of the ordinance of March 25th, 1815, in the bill mentioned and referred to, by which part of the said ordinance, rates were directed to be charged and collected on certain articles landed on any public wharf, that is to say, on the public wharves in the bill mentioned, made by Thomas McElderry, deceased, and Cumberland Dugan.

The defendants on the 1st of March, 1830, put in their answer to this last bill, in which they admit the truth of all that is said in relation to the making of the wharves; but deny, that the plaintiffs have any title to the ground so filled up by them, or any right to collect wharfage on the wharves they had so made. These defendants aver, that the Act of 1813, ch. 118, does not apply to wharves of the description of these; but only to those which are properly public and free wharves; that these wharves are exclusively the property of the corporation, public only for the use of the inhabitants; that since the service of the injunction on these defendants, they had entered into an agreement with the plaintiff Dugan, according to which they have continued to collect wharfage on the west side of the canal; and that the other plaintiffs have, for a long time, ceased to consider themselves interested in this cause.

On the 1st of March, 1830, The Mayor and City Council of Baltimore, filed their bill here against Cumberland Dugan, in which they set forth all the circumstances as admitted or averred \* by them in their answer to the two previous bills against them; and they stated, that they had, by an ordinance of **367** the 3d of April, 1825, established a rate of tonnage duties demandable of all vessels for lying at any of the public wharves, which they had collected accordingly until hindered and prevented by the defendant, who had, under a pretended right that those duties belonged to him, proceeded to enforce the payment thereof from sundry masters of vessels to a very large amount of money. Whereupon they prayed for an injunction; that a receiver might be appointed and for general relief. This bill was certified under the seal of the corporation to be true; and was also sworn to by the harbor-master of the city.

BLAND, C., 1st March, 1830.—Ordered, that the register issue writs of *subpoena* and injunction as prayed by the foregoing bill of complaint. And it is further ordered, that the harbor-master, or other officer, who now is, or hereafter may be appointed by the said plaintiffs to collect the wharfage or tonnage on their behalf on the west side of the said canal or dock in the said bill mentioned, be